

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RAMON PRECIADO,	:	CIVIL ACTION NO. 1:16-CV-692
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
WALTER REMMERT, as an individual	:	
and in his position as Executive	:	
Secretary and Bureau Director of the	:	
Pennsylvania Horse Racing	:	
Commission, and SAM ELLIOTT, as an	:	
individual and in his position as Racing	:	
Secretary for Parx Racing,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 25th day of August, 2016, upon consideration of the joint stipulation (Doc. 23) by and between plaintiff Ramon Preciado (“Preciado”) and defendant Sam Elliott (“Elliott”), the latter as an individual and in his position as Racing Secretary for Parx Racing, wherein Preciado and Elliott stipulate and agree to dismissal with prejudice of Counts II and III of Preciado’s complaint (Doc. 1) as to Elliott under Federal Rule of Civil Procedure 41(a)(1)(A), and further upon consideration of the objection (Doc. 24) of defendant Walter Remmert (“Remmert”), wherein Remmert contends that the purported stipulation has not been “signed by all parties who have appeared,” and thus does not comply with Federal Rule of Civil Procedure 41(a)(1)(A)(ii), FED. R. CIV. P. 41(a)(1)(A)(ii), and the court in agreement with Remmert that the joint stipulation does not comply with the plain language of

Rule 41(a)(1)(A)(ii), it is hereby ORDERED that the joint stipulation (Doc. 23) by and between Preciado and Elliott is STRICKEN without prejudice to the right of Preciado to file an appropriate notice of dismissal under Rule 41(a)(1)(A)(i) or motion to voluntarily dismiss under Rule 41(a)(2).

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania